Utah

State Agency

Utah's water quality laws are administered by the Utah Department of Environmental Quality (DEQ), Division of Drinking Water[1] and Division of Water Quality (DWQ).[2] Utah's Nonpoint Source Pollution (NPS) Control Program is coordinated through the Utah NPS Task Force, which is a 28-member organization with a staff work group and subcommittees as needed.

Delegated Permit Authority

Utah has been delegated permit authority for the National Pollutant Discharge Elimination System (NPDES) permit program including stormwater permits for all areas except Indian lands. Utah has not been delegated authority from the Army Corps of Engineers (COE) for the section 404 dredge and fill permit program.

State Definition of Covered Waters

Under Utah State water quality laws, "waters of the state" are "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state." The term "waters of the state" "does not include bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, a public health hazard, or a menace to fish or wildlife."[3]

State water quality standards extend to all waters meeting this definition including isolated wetlands and non-navigable tributaries. State water quality standards also extend to groundwater, although there are separate rules for groundwater.

Point Sources and NPDES Permits

BLM does not hold any NPDES permits in Utah.

Water Quality Standards

Designated Uses

Utah's designated uses are outlined in Figure One. The rules implementing Utah's designated uses are contained Rule R317-2 Standards of Quality for Waters of the State.[4]

[1] Information on the Division of Drinking Water is available at: http://drinkingwater.utah.gov/.
[2] Information on the Division of Water Quality is available at: http://waterquality.utah.gov/.
[3] Utah Code Ann. § 19-5-102(18)(a)-(b).
[4] Utah's Admin Code R317-2 is available on-line at: http://www.rules.utah.gov/publicat/code/r317/r317-002.htm.

Figure One: Utah State-Designated Use Descriptions

State-Designated Use Code	State-Designated Use	State-Designated Use Description
4	Agricultural	Protected for agricultural uses including irrigation of crops and stock watering.
3A	Cold Water Aquatic Life	Protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.
3B	Warm Water Aquatic Life	Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.
3C	Non-Game Fish and Other Aquatic Life	Protected for nongame fish and other aquatic life, including the necessary aquatic organisms in their food chain.
3D	Wildlife Habitat	Protected for waterfowl, shore birds and other water-oriented wildlife not included in Classes 3A, 3B, or 3C, including the necessary aquatic organisms in their food chain.
3E	Severely Habitat-Limited Waters	Narrative standards will be applied to protect these waters for aquatic wildlife.
5	Great Salt Lake	The Great Salt Lake. Protected for primary and secondary contact recreation, aquatic wildlife, and mineral extraction.
1C	Domestic Water Supply	Protected for domestic purposes with prior treatment by treatment processes as required by the Utah Division of Drinking Water.
2A	Primary Recreation	Protected for primary contact recreation such as swimming.
2B	Secondary Recreation	Protected for secondary contact recreation such as boating, wading, or similar uses.

Source: *EPA WQSDB available at: http://oaspub.epa.gov/wqsdatabase/wqsi_water body.rep_parameter*

Water Quality Criteria

Utah utilizes both numeric and narrative water quality standards. Utah's numeric water quality criteria are found in tables in the Utah Administrative Code.[5]

Narrative standards establish the State's biological criteria. Utah's administrative rules state that "[i]t shall be unlawful, and a violation of these regulations, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures."[6]

Utah does not have streamflow criteria to protect flows necessary to support existing uses.

Sediment

Utah collects total suspended solids (TSS) data. These data can be used in a weight of evidence sequence to determine whether or not to list a water body for sediment.

[5] Utah Admin Code R317-2-14, Numeric Criteria.
[6] Utah Admin Code R317-2-7.2.

Antidegradation

Utah's administrative rules, Standards of Quality for Waters of the State, contain the State's antidegradation policy.[7] Utah's antidegradation policy states, "Waters whose existing quality is better than the established standards for the designated uses will be maintained at high quality unless it is determined by the [Utah Water Quality] Board, after appropriate intergovernmental coordination and public participation in concert with the Utah continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. However, existing instream water uses shall be maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses."[8]

Utah's antidegradation policy also outlines the State's outstanding natural resource waters (ONRWs) policy. Utah identifies High Quality Waters – Category 1 and High Quality Waters – Category 2. High Quality Waters in Category 1 receive the following protection: "Waters of high quality" which have been determined by the [Water Quality] Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection, shall be maintained at existing high quality through designation, by the Board after public hearing, as High Quality Waters - Category 1. New point source discharges of waste water, treated or otherwise, are prohibited in such segments after the effective date of designation."[9] High Quality Waters in Category 2 are effectively Tier II _ waters, with implementation language as follows: "High Quality Waters - Category 2 are designated surface water segments which are treated as High Quality Waters - Category 1 except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality."[10]

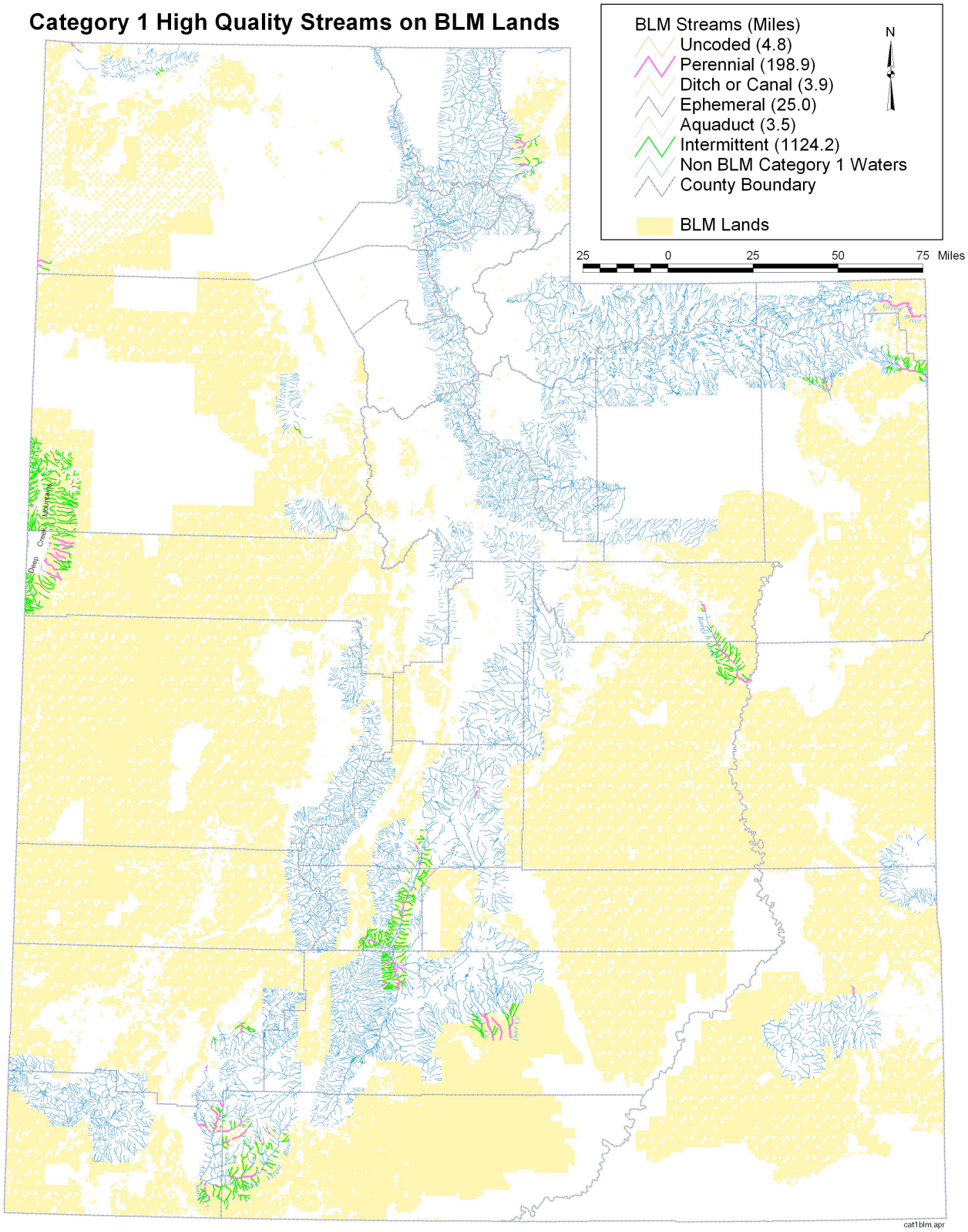
Utah's administrative rules state that High Quality Waters – Category 1 are "all surface waters geographically located within the outer boundaries of U.S. National Forests whether on public or private land with two exceptions."[11] The rules then proceed to list over fifty other inclusions in Category 1.

ONRWs on BLM Land

There are many Category 1 High Quality Waters on BLM lands in Utah. Figure Two show the Category 1 High Quality Waters on BLM lands in Utah. There are 199 miles of high quality perennial streams, 25 miles of high quality ephemeral streams, and 1,124 miles of high quality intermittent streams on BLM lands in Utah.

[7] Utah Admin Code R-317-2-3.
[8] Utah Admin Code R317-2-3.1.
[9] Utah Admin Code R317-2-3.2.
[10] Utah Admin Code R317-2-3.3.
[11] Utah Admin Code R317-2-12.1. For a list of these exceptions, *see* R317-2-12.1.a – 12.1.b.

Figure Two: Category 1 High Quality Streams on BLM Lands



State 305(b) Reporting

The National Assessment Database (NAD) contains information on the attainment of water quality standards. Assessed waters are classified as either Fully Supporting, Threatened, or Not Supporting their designated uses. This information is reported in the National Water Quality Inventory Report to Congress under Section 305(b) of the Clean Water Act (CWA).[12]

State 303(d) List and TMDLs

The EPA TMDL Tracking System contains information on all impaired waters under section 303(d) of the CWA. The database also has information on EPA-approved TMDLs.[13] As of 2002, the date of the most recent update to the EPA's tracking system, Utah reported 128 water bodies on its 2002 303(d) List and had 210 TMDLs approved. Utah's 2004 303(d) List can be found in Section VII of its 2004 report.[14]

Utah maintains GIS coverage of impaired streams, but it is not available on-line. A copy of the GIS coverage can be obtained from DWQ.

303(d) List

Listing and Credible Data Standards

The methodology used to develop Utah's 2004 303(d) List is outlined in Utah's 2004 303(d) List of Impaired Waters.[15] Utah assessed water bodies based on "assessment units" (AUs). The State uses information from its Pollutant Discharge Elimination System Program, Lake and Water Quality Assessment and Clean Lakes Program, Stream Water Quality Assessment and Nonpoint Source Programs, and Cooperative Monitoring Programs to identify potentially impaired AUs. Potentially impaired AUs are placed on an evaluation list and beneficial use support is determined by comparing collected water quality data against numerical and narrative water quality criteria.[16]

Utah does not currently have credible data standards, but draft standards have been sent to the EPA for review. Utah uses existing and readily available data. Water chemistry data used in assessments are collected by the DWQ and the United State Geological Survey and obtained through cooperative agreements with other entities. Other entities are contacted to determine if they have any data that can be used. Data are reviewed as to age, type, number of samples, quality control plans, and date type to determine if DWQ will use the data for assessment.

The State has developed a series of tables that guide the interpretation of data to assess the attainment of designated uses. These tables are available in Section II of Utah's 2004 303(d) report.[17] An example is included in Figure Three. DWQ uses "best professional judgment" in some cases to determine designated beneficial use support.

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[12] Utah's attainment of water quality standards can be found at: http://oaspub.epa.gov/waters/w305b_report.state?p_state=UT.

[13] Utah's 303(d) Lists and approved TMDLs are available at: http://oaspub.epa.gov/waters/state_rept.control?p_state=UT.

[14] Utah Department of Environmental Quality, Division of Water Quality. Utah's 2004 303(d) List of Impaired Waters. April 1, 2004. Available on-line at: http://waterquality.utah.gov/public%20notices/2004303dlist-01-15-04.pdf.

[15] *Id*.

[16] Utah's numeric and narrative criteria are found in Utah Admin Code R317-2, Standards of Quality for Waters of the State.

[17] See *supra* note 14 at p. 12-16.

Figure Three: Criteria for Assessing Water as a Source of Drinking Water – Class 1C

Degree of Use Support	Field Monitoring (Toxicants)	Restrictions
Full	For any one pollutant, no more than one violation of criterion.	No source water closures or advisories.
Partial	For any one pollutant, two or more violations of the criterion, but violations occurred in <10% of the samples.	One or more drinking water source advisories lasting less than 30 days per year.
None	For any one pollutant, two or more violations of the criterion, and violations occurred in more than 10% of the samples.	One or more drinking water source advisories lasting greater than 30 days.

Source: Utah Department of Environmental Quality, Division of Water Quality. Utah's 2004 303(d) List of Impaired Waters. April 1, 2004. p. 13.

De-Listing

An AU can be removed from Utah's 303(d) List if:

1. An AU was placed on the list due to error in assessment or because it was listed incorrectly in place of another AU or any other error not based on water quality assessment.
2. The most recent data assessment indicates that the AU is supporting all of its assessed beneficial uses.
3. A TMDL has been completed and approved by the EPA.
4. An existing AU delineation has changed.
    a. An AU has been changed by dividing it into several AUs.
    b. The AU boundaries have been changed and it is now a part of a different AU or portions of the AU are included in newly defined AUs.
5. There is a change in the method(s) of determining beneficial use support. The methodology change would cause the assessment to indicate that all beneficial uses assessed are fully supported.
6. There is a change in State water quality standards or pollution indicator values.
7. A determination that insufficient amounts of data were collected to place the AU on the list originally, e.g., too few samples collected to make a reliable determination of beneficial use support.

Utah exercises discretion in using data or information that goes beyond the criteria listed above in determining whether to de-list an AU and can include other types of information and best professional judgment.

TMDLs

Utah's most current TMDL List is included in Section VII of the State's 2004 303(d) List. Since 2002, Utah has assessed the Unita, Cedar/Beaver, Colorado River Southeast, Colorado River West, Lower Colorado River, Jordan River, and the Sevier River Watershed Management Units. The State uses the following criteria to prioritize TMDL waters:

- **Severity of pollution and beneficial uses of waters (includes waste load allocations under UPDES program).** Utah's Pollution Discharge Elimination System (UPDES) permit renewal TMDLs receive a high priority because many of the industrial permits

require effluent limits on parameters that could be toxic to aquatic life as well as a danger to human health. In addition, the volume of the effluent discharged by the permittee can be a major component of the flow after the point of discharge. Severity of pollution is also used in determining the priority of nonpoint source TMDLs.

- **Programmatic needs regarding UPDES permitting.** Utah's UPDES program is based upon a five-year permit renewal cycle. Permit renewals have been set up so that the numbers of permit renewals each year during the five-year cycle are approximately equal. Because of this, the UPDES permit TMDLs are given a high priority so that the TMDL can be completed in time for the permit to be renewed because of the statutory requirements for permits to be issued.
- **Basin planning cycles.** DWQ has created five monitoring regions or units that are sampled intensively once every five years. This schedule allows the state to monitor a majority of the perennial streams state-wide to identify those waters that are not meeting beneficial uses. A key component of DWQ's water quality management process is to complete priority TMDLs in each of these watersheds during the five-year cycle. This process will allow DWQ to revise and update its water quality assessment, report completed TMDLs for impaired waters, and document improvement in water quality as TMDLs are implemented.
- **On-going activities within the watershed.** DWQ uses water quality-related projects and activities that are on-going in a watershed to prioritize its TMDL AUs. This cooperation provides additional funding and staff for water quality related assessments and improvements.
- **Economic and social impact on communities, businesses, and citizens.** Economic and social impact on different sectors of the public are used to help prioritize TMDLs. The need to develop a TMDL to allocate discharges of water quality parameters to prevent the closure of industries or the creation of undue burdens on communities and individuals is used in developing TMDL priorities.
- **Degree of public interest, support, and resource importance.** This information is also used to assist in prioritizing TMDL AUs. Public interest has played a significant role in developing TMDLs in various watersheds. Some examples of completed TMDLs and new TMDL development where the interest of the public and other parties was used as a ranking criterion to list AUs high on the list for TMDL completion were Uinta River (Duchesne County), East Canyon Creek (Summit County), Fremont River (Wayne County) and Spring Creek (Cache County).

Establishment, Apportionment, and Implementation

Table 14 in Utah's 2004 303(d) List of Impaired Waters is a list of the status for river, stream, lake, and reservoir TMDLs that were targeted for completion by April 1, 2004. Lists of Utah's TMDLs submitted to the EPA, in-progress TMDLs, and approved TMDLs are available from DWQ.[18]

TMDLs and associated Water Quality Management Plans are written by the DWQ. The BLM's primary involvement in TMDLs is through water quality monitoring. The BLM monitors the water quality of water bodies with TMDLs on BLM land.

Utah essentially has two AUs where TMDL implementation has occurred and waters have been de-listed due to restoration of beneficial uses. These are the Little Bear River above

[18] These lists are available at: http://waterquality.utah.gov/TMDL/TMDL_WEB.HTM.

Cutler Reservoir and Mill Creek. The state has several other water bodies that are nearing this position, but the determination has not been made that water quality has been restored.

A major TMDL issue facing Utah is total phosphorus. This is both a point and nonpoint source problem. The State has several facilities either in planning, construction, or optimizing of chemical phosphorus treatment in an effort to control total phosphorus output. There is also a major effort in the State to reduce nutrients from AFO/CAFOs in Utah where they are a significant source of phosphorus.

Water Quality Monitoring

Utah's Water Quality Assessment program relies upon several types of monitoring including stream monitoring, lake monitoring, point source monitoring, TMDL monitoring, nonpoint source monitoring, monitoring pursuant to cooperative agreements, and benthic macroinvertebrate sampling. Information on these monitoring programs can be obtained from the DWQ.[19]

Under its Water Quality Assessment program, the State uses a five-year rotating monitoring program to collect data. The state has been divided into ten watershed management units that have been aggregated into five monitoring regions (see Figure Three) for water quality monitoring purposes. Each region is monitored on an intensive basis once every five years.

Figure Three: Utah's Water Quality Monitoring Regions

Region	Management Unit
1	Bear River, Weber River, Great Salt Lake Desert/Columbia (northern portion of the GSL Desert)
2	Jordan River, Great Salt Lake Desert (southern portion of Great Salt Lake)
3	Unita
4	Sevier River, Cedar/Beaver, Lower Colorado
5	Colorado River West, Southeast Colorado River

Water quality measurements, sample collections, and sample handling must follow procedures contained in the DWQ's Quality Assurance and Standard Operating Procedures Manual (1993) and should be consistent with standard practices accepted by the Environmental Protection Agency. Laboratory analyses of these samples are conducted by the Utah State Health Department Laboratory according to its standard procedures. All the data are stored and available on Utah's water quality data storage and retrieval system as well as on the EPA's web site.[20]

[19] DWQ's Monitoring and Assessment of Water Quality is discussed at: http://waterquality.utah.gov/watersheds/monitor.htm.

[20] These data are periodically uploaded to the EPA's STORET system and available at: http://oaspub.epa.gov/storpubl/warehousemenu.

Nonpoint Source Pollution Program

Utah's most recent Nonpoint Source Pollution Management Plan was released in October 2000.[21] Since 1994, Utah's water quality program has utilized a watershed approach. As mentioned above, the State is divided into five water monitoring regions encompassing ten management units. The integrated Utah Watershed Approach is active in these management units and is based on the following nine elements.

1. **Establish watershed management units** – The criteria for delineating Watershed Management Units is outlined in Chapter II of Utah's Nonpoint Source Pollution Management Plan.[22]
2. **Organize stakeholder involvement** – The DEQ is the lead agency in managing the water quality control programs set up by state statute and works closely with appropriate state, interstate, Tribal, regional, and local entities, private sector groups, citizen groups, and Federal agencies.
3. **Watershed approach planning cycle** – The State periodically reviews and evaluates its nonpoint source management program and revises its nonpoint source assessment and its management program every five years.
4. **Strategic monitoring** – Utah's Watershed Approach utilizes the monitoring program described above. Additionally, active NPS projects using EPA 319(h) funding may have additional monitoring sites to assess background levels of water quality and to identify nonpoint sources in these areas that need additional monitoring.
5. **Watershed management unit assessment** - In 1998, the state classified watersheds and identified those in need of restoration. This process incorporates Utah's assessment of the attainment of water quality standards as discussed above about the development of Utah's 303(d) List.
6. **Prioritize, quantify, and target** – Prioritization is the ranking of the watersheds in need of restoration identified in element #5. Targeting is deciding where resources should be spent to address priority watersheds. The product of this evaluation is a list of recommended priority watersheds that incorporates stakeholder input. This element often involves the development of TMDLs.
7. **Develop management strategies** – The local Watershed Management Unit Steering Committee and the Technical Advisory Committee provide the mechanism for programs, agencies, and other stakeholders to collaborate in developing management strategies. Element 2 in Chapter II of Utah's Nonpoint Source Pollution Management Plan lays out the organizational strategy for State, regional, and local activities.[23]
8. **Prepare a Watershed Management Plan** – This plan reflects all NPS, TMDL, and watershed restoration guidelines pursuant to the CWA. Chapter II of Utah's Nonpoint Source Pollution Management Plan outlines the sections and substance of Watershed Management Plans.
9. **Implement plan projects** – Implementation is the culmination of the watershed management cycle. Implementation is carried out by focusing on impaired waters with TMDLs using installation of appropriate BMPs.

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[21] Utah Department of Environmental Quality and Utah Nonpoint Source Task Force. Utah Nonpoint Source Pollution Management Plan. October, 2000. Available at: http://waterquality.utah.gov/documents/NPS_Mgmt_Plan_2001.pdf.

[22] *Id*.

[23] *Id*.

Chapter III of Utah's Nonpoint Source Pollution Management Plan discusses Utah's nonpoint source control and management programs. Programs discussed include TMDL development and implementation, financial assistance programs, education programs, agriculture programs, urban runoff programs, hydrologic modification programs, mining programs, road construction programs, silviculture programs, etc.

The implementation of nonpoint source pollution controls is voluntary in Utah. However, the State uses CWA § 319(h) funding as well as State appropriations for loans to encourage the implementation of NPS control projects.

Utah's § 319 program has funded projects in agriculture, forestry, and rangeland. New management plans are in the process of being developed for urban stormwater and mining. One focus of project funding has been management of livestock production to protect water quality.

BMPs

Utah identifies three types of BMPs: 1) those the State intends to encourage, 2) those which will be assisted through financial cost share or loans, and 3) those which will be enforced through regulations. Utah's nonpoint source program is not intended to develop new water quality regulations, but the State encourages communities and counties to adopt regulations to control development activities and road construction. Agriculture and grazing practices are often eligible for financial assistance for BMP implementation.

Utah's Nonpoint Source Pollution Management Plan includes a list BMP's available for nonpoint source control in Utah. They are described in general terms, and then specific practices are included by reference. Categories of BMPs discussed include agriculture and grazing, soil stabilization on rangelands, riparian area management and stabilization, cropland management and stabilization, drainage modification in croplands, agricultural waste management, pesticide management, fertilizer management, urban best management practices, irrigation water management, silviculture-forest water quality management, and hydrologic modification.[24]

Utah also has specific NPS management plans for silviculture (logging) activities[25] and hydrologic modification.[26]

Implementation on Federal Land

Some § 319 projects implemented in the Otter Creek watershed, east of Richfield have included both private lands and BLM lands where grazing permits exist. Such projects have included range plantings to control erosion and increase infiltration, fencing of riparian areas, and seeding of riparian areas. The BLM has cooperated in these projects and has also cooperated with the DWQ by encouraging appropriate management of range and riparian lands by holders of grazing permits.

In FY 2004, the state of Utah's NPS program funded a road restoration project at Onion Creek which is administered by Emery County, but most of the road length is on BLM land (administered by the Moab Field Office). Also in FY 2004, Utah funded the Upper Sevier Watershed Management project, in which the BLM participated.

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[24] *Id*. Chapter IV.

[25] State of Utah, NPS Task Force. Nonpoint Source Management Plan, Silviculture Activities. July 1, 1998. Available at: http://waterquality.utah.gov/documents/SILVPLAN.PDF.

[26] State of Utah, NPS Task Force. Nonpoint Source Management Plan for Hydrologic Modifications. March, 1995. Available at: http://waterquality.utah.gov/documents/hydromod.pdf.

Federal Consistency

The Federal consistency provisions of section 319 of the CWA authorize Utah to review Federal financial assistance programs and development projects for their effect on water quality. If the State determines that an application or project is not consistent with the State Nonpoint Source Management Program and notifies the Federal agency of its concerns, the agency must make efforts to accommodate the State's concerns, or explain its decision to not make accommodations, in accordance with Executive Order 12372. Additionally, section 313 of the CWA requires Federal agencies having jurisdiction over property or facilities, or engaged in activities which may result in water pollution, to comply with State and local water pollution control regulations and authorities to the same extent as any non-governmental entity.

Utah uses three approaches to ensure that Federal programs are consistent with State water quality laws. First, all Federal planning and permitting actions go through the Governor's Office Resource Development Coordinating Committee (RDCC). The DWQ is a member of RDCC and comments on projects that appear to impact water quality.

Second, annual program coordination meetings are held each year with the Forest Service and the BLM to review programs, policies, monitoring plans, and special projects. Also, cooperative monitoring programs are negotiated annually with most forests and BLM districts.

Third, Federal agencies participate in the Watershed Approach to develop TMDLs and establish priorities for NPS implementation. This coordination occurs in 303(d)-listed impaired watersheds as part of the development of watershed TMDL plans. DEQ has Memorandum of Understanding with both the Forest Service and the BLM to assure Federal consistency with NPS management measures and watershed TMDL plans.

Enforceable State Laws/Policies/Programs to Limit NPS Pollution

Water Pollution Control Laws

The Utah water pollution control laws include general provisions applicable to nonpoint source discharges. It is unlawful for any person to discharge a pollutant into waters of the State or to cause pollution which constitutes a threat to public health and welfare, is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational or other beneficial uses of water.[27]

Fish and Fisheries Laws

The Utah fish and wildlife code makes it "unlawful for any person to pollute any waters deemed necessary by the Wildlife Board for wildlife purposes or any waters containing protected aquatic wildlife and stoneflies, mayflies, dragonflies and damsel flies, water bugs, caddis flies, spongilla flies, and crustaceans."[28]

[27] Utah Code Ann. § 19-5-107.
[28] Utah Code Ann. § 23-15-6 (parentheticals omitted).

Operational Requirements

Forestry Requirements

State forestry laws do not contain enforceable provisions relating to nonpoint source pollution. However, the State Division of Forestry, Fire and State Lands has published two documents to aid private landowners and operators. These include "Utah Forest Water Quality Guidelines – A Practical User's Guide for Landowners, Loggers and Resource Managers"[29] and "A Technical Manual for Landowners, Loggers, and Resource Managers."[30]

Agriculture and Grazing Requirements

The Utah state code contains provisions for the organization of soil conservation districts.[31] Each district is a political subdivision and has the authority to "devise and implement measures for the prevention of soil erosion, floodwater and sediment damages, nonpoint water pollution."[32] Each district is also authorized to make recommendations governing land use within the district. These "recommendations" may include provisions requiring the use of particular methods or practices, and they may be enforceable as ordinances.[33]

The county legislative bodies may promulgate regulations to prevent the destruction or obstruction of channels, storm sewers, and drains that serve as natural channels for the carrying away of natural storm and flood waters.[34] County legislatures may also provide by ordinance for the protection and use of flood channels and flood plains on rivers, streams, and canals located within the county.[35]

Earth-Disturbing Activities

The Division of Parks and Recreation has the authority to regulate and control types of development along rivers and streams designated by the Division.[36] "The division may not permit the construction of any structures, subdivisions, or other developments on or along rivers or streams, or within their present flood plains, which are in violation of any ordinance of any political subdivision having jurisdiction in that area but may in respect to development impose requirements in excess of and in addition to those provided in those ordinances."[37]

No other specific operating requirements are applicable, other than those under the CWA stormwater program and those authorized by general land use regulations such as zoning.

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[29] Utah Department of Natural Resource, Division of Forestry, Fire and Lands, Utah's Forest Water Quality Guidelines – A Practical User's Guide for Landowners, Loggers, and Resource Managers, pp. 52, June 2001.
[30] Utah Department of Natural Resource, Division of Forestry, Fire and Lands, Utah's Forest Water Quality Guidelines – A Technical Manual for Landowners, Loggers, and Resource Managers, pp. 60, September 2002.
[31] Utah Code Ann. § 17A-3-801.
[32] Utah Code Ann. § 17A-3-805 (3).
[33] Utah Code Ann. § 17A-3-807.
[34] Utah Code Ann. § 17-8-5.
[35] Utah Code Ann. § 17-8-5.5.
[36] Utah Code Ann. § 63-11-17.5.
[37] Utah Code Ann. § 63-11-17.5(3).

Wetlands and 404 Permits

State water quality standards extend to isolated wetlands.

State implementation of § 404

The § 404 dredge and fill permit program in Utah is administered by the U.S. Army Corps of Engineers. The state reviews §404 projects pursuant to CWA section 401 State certification provisions. Any certification includes conditions to ensure compliance with state water quality standards.

Additional state laws/policies/programs for wetlands

Utah has a wetlands program through the Division of Wildlife.[38] This program is primarily geared towards protecting waterfowl habitat.

Stormwater Provisions

The Utah Stormwater Advisory Committee was formed on December 9, 2003. The committee serves as an agent to address a variety of stormwater issues statewide, including Phase I and Phase II implementation, underground injection wells for stormwater treatment design criteria, and stormwater education. DWQ's stormwater webpage contains links to stormwater BMPs and other stormwater resources.[39]

Construction projects that disturb five acres or more (large construction) must be covered under the general construction permit.[40] Coverage under this permit must be obtained, and erosion and sediment controls must be installed. Construction projects disturbing one to five acres (small construction) must be covered under the general construction permit effective March 10, 2003. Small construction sites may quality for a waiver from the permit based on low erosivity at the site. A certification form must be completed to obtain this wavier.[41]

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[38] For more information on the Division of Wildlife's Wetlands Program see: http://www.wildlife.utah.gov/wetlands/wetprogr.html.

[39] DWQ's stormwater webpage is at: http://www.waterquality.utah.gov/updes/stormwater.htm.

[40] A fact sheet for the general construction permit and online application process is available at: http://www.waterquality.utah.gov/updes/online_SW_FactSheet_rev0104.pdf. Utah's Stormwater General Permit for Construction Activities is available at: http://www.waterquality.utah.gov/updes/SWCON02.pdf.

[41] Utah's erosivity waiver certification form is available at: http://www.waterquality.utah.gov/updes/ErosivityWaiverForm.pdf.